

United States District Court

for

District of Guam

FILED
DISTRICT COURT OF GUAM

FEB - 9 2006

MARY L.M. MORAN
CLERK OF COURT

**Report for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **Richard Jaimes**

Case Number: **MJ 05-00020-001**

Name of Sentencing Judicial Officer: **Honorable Joaquin V.E. Manibusan, Jr.**

Date of Original Sentence: **November 30, 2005**

Original Offense: **Driving Under the Influence of Alcohol (BAC), in violation of 16 G.C.A. § 180102(b) and 18 U.S.C. §§ 7(3) and 13.**

Original Sentence: **A two year term of probation with conditions: not commit another federal, state, or local crime; not illegally possess a controlled substance; refrain from any unlawful use of a controlled substance; submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; cooperate in collection of DNA; comply with the standard conditions of supervision; serve 48 hours confinement (December 1 to 3, 2005); not possess a firearm or other dangerous weapon, except as required by his employer; refrain from the use of any and all alcoholic beverages; submit to up to eight alcohol tests per month; privilege to operate a motor vehicle upon any U.S. Military Reservation shall be suspended for a period of six months; participate in a substance abuse program, which may include testing for use of drugs or alcohol; pay a \$25 special assessment fee; and pay a \$1,000 fine.**

Type of Supervision: **Probation**

Date Supervision: **November 30, 2005**

PETITIONING THE COURT

☐ To extend the term of supervision _____ years, for a total term _____ years.

☒ To modify the conditions of supervision as follows:

1. The defendant agrees to delete the condition requiring him to submit to the collection of a DNA sample at the direction of the U.S. Probation Office, due to his case conviction not qualifying for the collection purposes.

CAUSE

On November 30, 2005, Richard Jaimes was sentenced by the Honorable Joaquin V.E. Manibusan, Jr. for Driving Under the Influence of Alcohol (BAC), in violation of 16 G.C.A. § 180102(b) and 18 U.S.C. §§ 7(3) and 13. He received a two year term of probation with various conditions to include that he cooperate in the collection of a DNA sample of his blood. However, Mr. Jaimes offense of conviction is not cited as a qualifying offense for DNA collection requirements in Public Law 108-405, the Justice for All Act (October 30, 2004).

Mr. Jaimes has satisfactorily complied with his supervision conditions since the commencement of probation. He has tested consistently negative for drugs and alcohol thus far. He served his 48-hour confinement term from December 1-3, 2005. In addition, Mr. Jaimes continues to coordinate his substance abuse program requirements with his supervisor. He continues to be gainfully employed with the U.S. Navy as a machinist mate fireman. Mr. Jaimes paid his \$25 special assessment fee on December 5, 2005, and has paid a total of \$200 towards his fine obligation.

Based on the information above, this Officer respectfully requests that the Court modify the conditions of probation, pursuant to 18 U.S.C. § 3583(e)(2) as outlined above. Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Jaimes' consent to the modification.

Reviewed by:

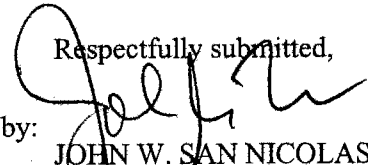

ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer
Supervision Unit Leader

Date: 2/7/06

THE COURT ORDERS

Respectfully submitted,

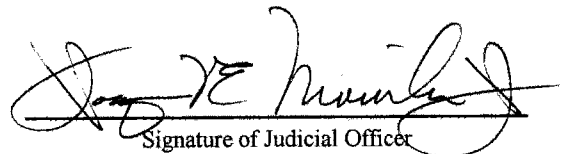
by: 
JOHN W. SAN NICOLAS II
U.S. Probation Officer

Date: 2/6/06

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above.
- ☒ The Modification of Conditions as Noted Above.
- ☐ Other

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DISTRICT COURT OF GUAM
HAGATNA, GUAM


Signature of Judicial Officer
JOAQUIN V.E. MANIBUSAN, JR.
U.S. MAGISTRATE JUDGE
2/9/2006
Date

United States District Court

District Guam

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. The defendant agrees to delete the condition requiring him to submit to the collection of a DNA sample at the direction of the U.S. Probation Office, due to his case conviction not qualifying for the collection purposes.

Witness John W. San Nicolas II
U.S. Probation Officer

Signed Richard Jaimes
Probationer or Supervised Releasee

February 2, 2006
Date